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Approved: ______________________
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U.S. DISTRICT COURT FILED SEP 30 2016 S.D. OF N.Y.

Before: THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

DOC #____

UNITED STATES OF AMERICA - v. - HENRY RODRIGUEZ, a/k/a "V-Man," Defendant.	SEALED **COMPLAINT** Violations of 18 U.S.C. §§ 1951, 924(c), and 2 COUNTY OF OFFENSE: BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

KIERON RAMDEEN, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Conspiracy to Commit Hobbs Act Robbery)

1. At least in or about July 2015, in the Southern District of New York and elsewhere, HENRY RODRIGUEZ, a/k/a "V-Man," the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, RODRIGUEZ and others agreed to take by force from another person ("Victim-1") a quantity of United States currency understood to be proceeds of narcotics trafficking,

which robbery took place on or about July 28, 2015 in the vicinity of 630 East Lincoln Avenue, Mount Vernon, New York.

(Title 18, United States Code, Section 1951(a).)

COUNT TWO

(Firearms Possession, Brandishing, and Discharge)

2. On or about July 28, 2015, in the Southern District of New York, HENRY RODRIGUEZ, a/k/a "V-Man," the defendant, knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery conspiracy charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was discharged during the robbery conspiracy charged in Count One.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

3. I am a Detective with NYPD and have been so employed for approximately five years. During this time, I have conducted numerous investigations into crimes of violence, including robberies, and am familiar with the way such crimes are committed. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. I have spoken with members of the Mount Vernon Police Department (the "MVPD"), and have reviewed reports and other documents related to this matter. Based on those conversations and reviews, I have learned, among other things, the following, in substance and in part:

a. On or about July 28, 2015, officers with the MVPD responded to a call reporting a shot fired in the vicinity of an apartment building at or near 630 East Lincoln Avenue, Mount Vernon, New York (the "Building"). There, they found an individual ("Victim-1") with a gunshot wound in the abdomen and a second individual ("Victim-2", and together with Victim-1, the "Victims"), who reported being present with Victim-1 when Victim-1 was shot.

b. In subsequent interviews with MVPD, the Victims reported that Victim-1 was shot during a robbery (the "Robbery"), in which two males ("Robber-1" and "Robber-2", and together, the "Robbers") approached the victims near the Building elevator and took from Victim-1 a duffel bag containing approximately $3,000, a pair of sneakers, and a t-shirt.

c. An MVPD detective obtained security camera footage (the "Video") from the Building, which shows Robber-1 shoot Victim-1 in the chest and Robber-2 take a duffel bag (the "Bag") from Victim-1.

d. A detective also located in a nearby stairwell a black bag containing approximately four plastic zip ties, which law enforcement officers recognized, from training and experience, to be consistent with flex cuffs that can be used to bind people's wrists.

5. I have also spoken with a cooperating witness ("CW-1")[1] who has provided the following information, in substance and in part, about the Robbery:

a. Approximately one day before the Robbery, CW-1 spoke with individuals known to him as "V-Man," later identified as HENRY RODRIGUEZ, a/k/a "V-Man," the defendant, and another co-conspirator ("CC-1"). RODRIGUEZ asked CW-1 to participate in the Robbery, and stated that the target of the robbery was drug proceeds and potentially drugs. During that meeting, the parties also discussed bringing a firearm to the Robbery.

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[1] CW-1 was arrested and charged in this District with participating in a drug-related shooting, and has entered into a cooperation agreement with the Government in the hopes of receiving leniency in CW-1's own case. CW-1's information has proven credible and reliable, and it has been corroborated by other evidence obtained in this investigation, including the Video.

b. CW-1 agreed with RODRIGUEZ, CC-1, and others to participate in the Robbery, and, after reviewing the video, CW-1 identified Robber-1 as himself and Robber-2 as CC-1.

c. On or about July 27, 2015, RODRIGUEZ, CW-1, CC-1 and others drove to the vicinity of the Building for the purpose of scouting the location in anticipation of the Robbery.

d. On or about July 28, 2015, RODRIGUEZ drove one vehicle and arranged for CW-1 and CC-1 to be transported in a separate vehicle to the vicinity of the Building for purposes of carrying out the Robbery. On the way to the Building, RODRIGUEZ purchased plastic zip ties for CW-1 and CC-1 to use during the Robbery. RODRIGUEZ then gave those zip ties to CW-1 and CC-1.

e. When they arrived at the Building, CW-1 and CC-1 went inside and waited for the Victims. The Victims later entered the Building, at which time CW-1 and CC-1 pulled the Bag away from Victim-1, and CW-1 shot Victim-1. CW-1 and CC-1 then left the Building.

f. After the Robbery, CW-1 and CC-1 met with RODRIGUEZ at a pre-arranged location and turned over the Bag to him. During that meeting, CW-1 understood that the Bag contained approximately $100,000 in cash. From the Robbery proceeds, RODRIGUEZ gave CW-1 and CC-1 approximately $8,000 each, and kept the remainder of the Bag's contents.

6. On or about July 27, 2016, CC-1 surrendered to the 48th Precinct of the New York City Police Department, at which time his cellphone ("CC-1's Cellphone") was seized and vouchered.

7. On or about September 1, 2016, the Honorable James C. Francis signed a warrant authorizing the search of cc-1's Cellphone. From my review of data extracted from cc-1's Cellphone, I have learned, among other things, that cc-1 had a contact under the name "V Man," with the phone number (347) 894-6024 ("V-Man's Phone Number"). Although that contact entry was deleted from cc-1'S Cellphone, investigators were able to recover it as part of the data extraction process.

8. On or about September 15, 2016, the Honorable James L. Cott signed an order directing the service provider for V-Man's Phone Number to give law enforcement, among other things, the subscriber information records pertaining to V-Man's Phone Number. From my review of that subscriber information, I

have learned that V-Man's Phone Number was subscribed under the name Henry Rodriguez, with the address 317 E. 178TH Street, Apartment 3L, Bronx, New York 10457.

9. I have reviewed public records and law enforcement database entries for HENRY RODRIGUEZ, a/k/a "V-Man," the defendant and learned that he has been associated with the address 317 E. 178TH Street, Apartment 3L, Bronx, New York 10457.

10. I also showed CW-1 a database photograph of HENRY RODRIGUEZ, a/k/a "V-Man," the defendant, and CW-1 identified him as the "V-Man" referenced above in paragraphs 4(a)-(f).

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of HENRY RODRIGUEZ, a/k/a "V-Man," the defendant, and that RODRIGUEZ be arrested and imprisoned, or bailed, as the case may be.

Kieron Ramdeen
Detective
New York City Police Department

Sworn to before me this
30th of September, 2016

THE HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK